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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

20 AMERICAN FEDERATION OF  
21 GOVERNMENT EMPLOYEES, AFL-CIO, et  
al..

Case No.: 3:25-cv-03070-JD

#### **Plaintiffs.**

## **DECLARATION OF FANNY BEHAR OSTROW**

V.

24 DONALD J. TRUMP, in his official capacity as  
25 President of the United States, et al..

## Defendants

## **DECLARATION OF FANNY BEHAR OSTROW**

I, Fanny Behar Ostrow, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am an Assistant Chief Counsel employed by the Department of Homeland Security, U.S. Immigration and Customs Enforcement (“ICE”). I work at the Office of the Principal Legal Advisor field office in Miami, Florida. I have worked in a similar role for ICE and its predecessor agencies since 1998. As an Assistant Chief Counsel, I represent the U.S. government before the Department of Justice’s Executive Office for Immigration Review which handles immigration matters.

3. I am the President of the American Federation of Government Employees (“AFGE”) Local 511 (“Local 511”). I have held this position since 2006. Local 511 is the exclusive representative for approximately 1400 federal civil servants who work for ICE. Local 511 represents a nationwide bargaining unit of ICE professional employees including attorneys, accountants, nurses, psychologists, social workers, architects, engineers, and other professionals. I believe almost all of those workers are covered by the March 27, 2025 Executive Order titled “Exclusions from Federal Labor Management Relations Programs” (“Executive Order”).

4. Local 511's mission is to advocate for and promote the interests of ICE professional employees in their federal employment, including working for a safe and fair workplace for all workers. As the exclusive bargaining representative of these workers, Local 511's purposes include the negotiation and enforcement of a nationwide Collective Bargaining Agreement ("CBA") with ICE, as well as to provide other support, guidance, and resources to ICE professional employees.

5. Local 511's services to workers include filing and negotiating grievances to enforce the terms and conditions of the CBA; pursuing arbitrations on behalf of workers to enforce the CBA; and providing other information and training to workers.

1       6. The Executive Order will have an immediate adverse effect on Local 511's ability  
2 to provide these services to unit members and to accomplish its mission.

3       7. If Local 511 no longer represents workers under the Executive Order, then  
4 bargaining unit workers can no longer enforce the terms of the CBA against ICE. For example,  
5 the ICE and AFGE Local 511 CBA provides important rights and protections to workers. The  
6 CBA:

- 7       a. Sets terms and conditions for working hours, overtime, sick leave, holidays, and  
8           paid time off for workers in the unit.
- 9       b. Imposes safety and health requirements to ensure the welfare of workers in their  
10          place of employment.
- 11       c. Imposes procedures for and limitations on disciplinary and adverse actions against  
12          workers.
- 13       d. Provides for an Employee Assistance Program for individuals who have problems  
14          associated with alcohol, drug related, or personal problems that may adversely  
15          affect job performance.
- 16       e. Establishes grievance and arbitration procedures for employees and the union to  
17          resolve disputes with the agency over employment matters.
- 18       f. Provides for official time, which allows bargaining unit employees to perform  
19          union representation activities during certain amounts of time the employee  
20          otherwise would be in a duty status, without loss of pay or charge to annual leave.

21       Without a union to represent them and enforce the CBA, workers will not have the  
22 benefit of those rights and protections going forward. I understand that ICE may also rescind the  
23 CBA, or take the position that it was never effective, under the Executive Order.

24       8. Local 511's staff and activities are funded through members' voluntary dues,  
25 which typically have been paid through payroll deduction. If AFGE can no longer receive dues  
26 through payroll deduction under the Executive Order, that will make it more difficult for the  
27 union to continue to provide the services and protections to unit members listed above.

9. As the Local President, my responsibilities include bargaining over changes to working conditions, representing co-workers during disciplinary (*Weingarten*) meetings, dealing with management over workplace disputes or problems, handling grievances brought by unit members, and generally working to ensure rules and requirements are followed in the workplace and unit members have a chance to raise issues with their employer in a productive and collaborative way. I have also acted as the chief negotiator for Local 511's last two CBAs. I currently perform these duties, as reasonable and necessary, on official time. If, due to the Executive Order, I am no longer able to perform these activities on official time, then I will not be able to keep performing the same amount of duties and I would not be able to perform these duties as well as I do now. Bargaining unit members will be deprived of these representation services that the union usually provides them.

10. If the Executive Order remains in effect, it will continue to make bargaining unit workers afraid to criticize the Administration, to take a political stance that opposes the Administration, or raise workplace concerns with the Administration. If a Court stops the Executive Order, that will help show workers that they can speak up without losing their collective bargaining rights.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed April 3, 2025, in Miami, Florida.

Fanny Behar Ostrow

Fanny Behar Ostrow